

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DONALD H. KIZZARD,

Plaintiff,

vs.

MAYOR BERNARD KINCAID
and SERGEANT HOLYFIELD,

Defendants.

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 12, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim for which relief can be granted. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim for which relief can be granted. A Final Judgment will be entered.

DATED this 7th day of September, 2005.

Chas. Pratt Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE